

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ERNEST McCOWN CREECH, on
behalf of himself and all others
similarly situated,

Plaintiff,

v.

EMERSON CLIMATE
TECHNOLOGIES, INC., *et al.*,

Defendants.

:

:

:

Case No. 3:15-cv-14

JUDGE WALTER H. RICE

DECISION AND ENTRY OVERRULING WITHOUT PREJUDICE, AS
PREMATURE, DEFENDANTS' MOTION TO STRIKE CLASS
ALLEGATIONS FROM THE AMENDED CLASS ACTION COMPLAINT
(DOC. #28); PLAINTIFF GIVEN 45 DAYS TO CONDUCT LIMITED
DISCOVERY ON CLASS CERTIFICATION ISSUE, AND AN
ADDITIONAL 15 DAYS TO FILE A SECOND AMENDED CLASS
ACTION COMPLAINT

Having reviewed the parties' briefs filed in connection with Defendants' Motion to Strike Class Allegations from the Amended Class Action Complaint, the Court concludes that Plaintiffs must be given the opportunity to conduct limited discovery on the class certification issue before the Court determines whether class certification may be appropriate in this particular case.

Accordingly, Defendants' motion, Doc. #28, is OVERRULED WITHOUT PREJUDICE, as premature. Plaintiff has 45 days from the date of this Decision and Entry to conduct discovery limited to the class certification issue. Within 15 days

thereafter, Plaintiff may file a Second Amended Class Action Complaint, revising the proposed class definition as needed, if he can do so within the strictures of Federal Rule of Civil Procedure 11.

If Plaintiff files a Second Amended Class Action Complaint, Defendants have until the close of business on Wednesday, April 20, 2016, to file whatever motion(s) directed to said Second Class Action Complaint deemed necessary. Should any such motion(s) be filed, same shall be briefed according to the Rules of Court.

Date: February 2, 2016



WALTER H. RICE
UNITED STATES DISTRICT JUDGE